

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of
Verde Energy USA Ohio, LLC as a
Competitive Retail Natural Gas
Supplier

CASE NO.: 13-2164-GA-CRS

EXPEDITED RULING REQUESTED

**VERDE ENERGY USA OHIO, LLC'S MOTION FOR AN EXTENSION OF
TIME TO RESPOND TO THE OFFICE OF THE OHIO CONSUMERS'
COUNSEL'S NOVEMBER 29, 2019 DISCOVERY REQUESTS**

Verde Energy USA Ohio, LLC ("Verde Energy") respectfully moves the Public Utilities Commission of Ohio (the "Commission") for an extension of time to respond to the November 29, 2019 discovery requests served by the Office of the Ohio Consumers' Counsel (the "OCC"). A copy of the OCC's discovery requests is attached to the accompanying memorandum in support as Exhibit 1.

Under Commission rules, Verde Energy's responses are due today, December 19, 2019. Verde Energy respectfully moves for its responses to be due fourteen days from the date of any potential order granting OCC's motion to intervene in this case. On December 4, the Attorney Examiner entered an order suspending the 30-day automatic renewal process until further order of the Commission, in light of the Commission-ordered investigation in case number 19-0958-GE-COI. The Commission has not yet ruled upon OCC's motion to intervene, for which Verde Energy filed an opposition brief on December 6, 2019. A denial of OCC's motion would render OCC's pending discovery requests moot. As further explained in Verde Energy's accompanying memorandum in support, Verde Energy seeks this

extension for good cause, and not for the purpose of delay. Granting this motion will not prejudice any party.

Dated: December 19, 2019

Respectfully submitted,

/s David F. Proaño

David F. Proaño (0078838)

Counsel of Record

dproano@bakerlaw.com

Kendall Kash (0093717)

kkash@bakerlaw.com

Daniel Lemon (0097113)

dlemon@bakerlaw.com

Taylor Thompson (0098113)

tathompson@bakerlaw.com

BAKER & HOSTETLER LLP

127 Public Square, Suite 2000

Cleveland, Ohio 44114

Phone: 216-861-7834

Fax: 216-696-0740

Counsel for Verde Energy USA Ohio, LLC

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of
Verde Energy USA Ohio, LLC as a
Competitive Retail Natural Gas
Supplier

CASE NO.: 13-2164-GA-CRS

EXPEDITED RULING REQUESTED

**MEMORANDUM IN SUPPORT OF VERDE ENERGY USA OHIO, LLC'S
MOTION FOR AN EXTENSION OF TIME TO RESPOND TO THE OFFICE
OF THE OHIO CONSUMERS' COUNSEL'S NOVEMBER 29, 2019
DISCOVERY REQUESTS**

The Attorney Examiner's December 4 order suspended the 30-day automatic renewal process pending further orders of the Commission. Consistent with that order, Verde Energy USA Ohio, LLC ("Verde Energy") now seeks an extension of time to respond to discovery requests served by the Office of the Ohio Consumers' Counsel (the "OCC"). A copy of OCC's discovery requests is attached to this memorandum as Exhibit 1.

Under Commission rules, Verde Energy's response is due today, December 19, 2019. If the Attorney Examiner grants Verde Energy's motion, Verde Energy's responses will be due fourteen days from the date of any potential order granting OCC's motion to intervene. If the Attorney Examiner denies OCC's motion to intervene, as Verde Energy requested on December 6, OCC's discovery requests will become moot. Because Verde Energy may be forced to respond to discovery requests that may become moot, good cause exists to defer Verde Energy's responses until after the Commission rules on OCC's motion and/or issues any additional orders relating to the schedule in this matter.

REQUEST FOR EXPEDITED RULING

Verde Energy requests an expedited ruling on this motion under Ohio Adm.Code 4901-1-12. Absent expedited consideration, the motion is likely to become moot prior to the Commission's order.

STANDARD OF REVIEW

The Commission's regulations set a default deadline of twenty days for responses to discovery requests. Ohio Adm.Code 4901-1-19(A); 4901-1-20(C). However, Attorney Examiners can "enlarge the time periods for discovery, upon their own motion or upon motion of any party for good cause shown." Ohio Adm.Code 4901-1-17(G).

ARGUMENT

I. Good Cause Exists to Extend the Time to Respond, Because OCC's Requests May Become Moot and Because OCC Will Suffer No Resulting Prejudice.

OCC filed a motion to intervene in this matter on November 22, 2019. OCC then served its discovery requests on November 29, 2019, giving Verde Energy until December 19, 2019 to respond. On December 6, however, Verde Energy filed a memorandum opposing OCC's motion to intervene. That motion is still pending before the Attorney Examiner, creating the possibility that Verde Energy will be required to respond to discovery requests that will become moot if OCC's attempt to intervene is denied by the Commission.

Particularly now that the Commission's review of Verde Energy's certificate has been suspended, it makes no sense to require Verde Energy to respond immediately to potentially moot discovery requests. To do so would impose

significant burdens on Verde Energy in return for no benefit to OCC or the efficient resolution of this proceeding.

A. OCC may lose standing to make these requests.

If OCC's motion to intervene is ultimately denied, its discovery requests will be moot. *See State ex rel. Baker v. Tri-Rivers Educational Computer Assn.*, 116 Ohio St.3d 1434, 2007-Ohio-6518 (2007) (relator's motion to compel discovery was dismissed as moot when respondent's motion to dismiss was granted). Courts will "generally not resolve a moot controversy." *Swan Super Cleaners, Inc. v. Franklin Cty. Bd. of Commrs.*, 10th Dist. No. 17AP-185, 2017-Ohio-8978, 101 N.E.3d 591, ¶ 14. Extending the time to respond to OCC's discovery, until the Attorney Examiner has had a chance to rule on the motion to intervene or issue any necessary orders relating to the case schedule, will therefore avoid potentially unnecessary expenses for both Verde Energy and OCC. It will also permit the parties and the Commission to defer any discovery disputes until after the first of the year, at least. For these reasons, there is good cause to extend the time for Verde Energy to respond to OCC's discovery requests.

It is true that OCC is currently considered a party under Commission rules for discovery purposes. Ohio Adm.Code 4901-1-16(H). But it may not remain a party. OCC's motion to intervene remains pending before the Commission, and as explained in Verde Energy's opposition memorandum of December 6, there are good reasons why OCC's motion should fail. Without repeating those arguments at length here, suffice it to say that OCC is, in many important respects, attempting to

re-litigate factual and legal issues already before the Commission in case number 19-0958-GE-COI. In short, substantial questions linger over both the procedural schedule and OCC's status in this case, and it makes sense to delay discovery responses (and any resulting disputes) until those questions are resolved.

B. OCC will not be prejudiced by a short delay.

As to the information being sought by OCC, efficiency and fairness point to resolving OCC's standing and the case schedule before requiring Verde Energy to invest significant time and resources in responding to OCC's requests. It is easier to issue a discovery request than respond to one, and OCC's discovery requests in this case should be understood in that light. OCC's discovery requests include 13 interrogatories, many with subparts, for a total of 31 questions. In addition, OCC requests the production of eight categories of documents, some of which would require Verde Energy to review and produce voluminous records. Compliance with these requests, which include detailed requests for analysis of Verde Energy's entire book of business in Ohio,¹ is a serious undertaking, and if past is prologue,² OCC will vigorously contest any response that Verde Energy provides. In short, Verde Energy faces significant costs in responding to discovery requests that may well

¹ *E.g.*, INT-1-007-010.

² In case number 19-0958-GE-COI, which remains pending before the Commission, OCC served seven sets of discovery requests. In total, these requests included 56 interrogatories (many with numerous sub-parts), 18 requests for admission, and 40 requests for production. Verde Energy moved for a protective order and OCC moved to compel production, the parties simultaneously briefed both motions, and the Commission ultimately granted both motions in part.

become moot, and Verde Energy would therefore be significantly prejudiced if OCC's motion to intervene were later denied.

By contrast, OCC faces no prejudice from an extension. There are no hearings or deadlines currently on the docket in this case. If such a deadline were bearing down on OCC, the need to obtain extensive discovery would be clearer. As it stands, however, all OCC would lose if the Commission grants this motion is an opportunity to review discovery responses over the winter holidays for a case in which it may not be a party. When a procedural schedule is set for this case, and if OCC is permitted to intervene, OCC will surely have ample time to review Verde Energy's responses and either serve additional requests or file an appropriate motion. Unlike Verde Energy, OCC will suffer no prejudice if the Commission rules against it on this motion.

II. Conclusion.

Given the potential mootness of OCC's discovery requests and the lack of prejudice to OCC from the requested extension, the extension of the response date to fourteen days after any order granting OCC's motion to intervene is appropriate and reasonable. Granting this request will not prejudice any party because there are no deadlines or scheduled hearings on the case schedule.

Dated: December 19, 2019

Respectfully submitted,

/s David F. Proaño

David F. Proaño (0078838)

Counsel of Record

dproano@bakerlaw.com

Kendall Kash (0093717)

kkash@bakerlaw.com

Daniel Lemon (0097113)

dlemon@bakerlaw.com

Taylor Thompson (0098113)

tathompson@bakerlaw.com

BAKER & HOSTETLER LLP

127 Public Square, Suite 2000

Cleveland, Ohio 44114

Phone: 216-861-7834

Fax: 216-696-0740

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing document was served by e-mail upon the persons listed below this 19th day of December, 2019.

SERVICE LIST

Alexis Keene
akeene@sparkenergy.com
John Jones
John.Jones@ohioattorneygeneral.gov
Thomas Lindgren
Thomas.Lindgren@OhioAttorneyGeneral.gov
Angela O'Brien
angela.obrien@occ.ohio.gov
Bryce McKenney
Bryce.McKenney@occ.ohio.gov
Kimberly Bojko
bojko@carpenterlipps.com

Dated: December 19, 2019

/s David F. Proaño
David F. Proaño (0078838)
Counsel for Verde Energy USA Ohio, LLC

EXHIBIT 1

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Renewal Application)
of Verde Energy USA Ohio, LLC for) Case No. 13-2164-GA-CRS
Certification as a Retail Natural Gas)
Marketer.)

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
PROPOUNDED UPON VERDE ENERGY USA OHIO, LLC
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

**FIRST SET
(November 29, 2019)**

The Office of the Ohio Consumers' Counsel in the above-captioned proceeding before the Public Utilities Commission of Ohio submits the following Interrogatories and Requests for Production of Documents pursuant to Sections 4901-1-19 and 4901-1-20 of the Ohio Administrative Code for response from Verde Energy USA Ohio, LLC ("Verde") within 20 days. An electronic, non-pdf (e.g., Excel) response should be provided to the Office of the Ohio Consumers' Counsel at the following address:

Angela D. O'Brien (0097579)
Counsel of Record
Bryce McKenney (0088203)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel
65 East State Street, 7th Floor
Columbus, Ohio 43215-4213
Telephone [O'Brien]: (614) 466-9531
Telephone [McKenney]: (614) 466-9585
angela.obrien@occ.ohio.gov
bryce.mckenney@occ.ohio.gov
(willing to accept service by e-mail)

Kimberly W. Bojko (0069402)
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, Ohio 43215
bojko@carpenterlipps.com
(willing to accept service by e-mail)

*Special Counsel for
The Office of the Ohio Consumers' Counsel*

Additionally, Verde must follow the instructions provided herein in responding to the inquiries. Definitions are provided that are used in the Office of the Ohio Consumers' Counsel's discovery.

DEFINITIONS

As used herein the following definitions apply:

1. "Document" or "Documentation" when used herein, is used in its customary broad sense, and means all originals of any nature whatsoever, identical copies, and all non-identical copies thereof, pertaining to any medium upon which intelligence or information is recorded in your possession, custody, or control regardless of where located; including any kind of printed, recorded, written, graphic, or photographic matter and things similar to any of the foregoing, regardless of their author or origin.

The term specifically includes, without limiting the generality of the following: punchcards, printout sheets, movie film, slides, PowerPoint slides, phonograph records, photographs, memoranda, ledgers, work sheets, books, magazines, notebooks, diaries, calendars, appointment books, registers, charts, tables, papers, agreements, contracts, purchase orders, checks and drafts, acknowledgments, invoices, authorizations, budgets, analyses, projections, transcripts, minutes of meetings of any kind, telegrams, drafts, instructions, announcements, schedules,

price lists, electronic copies, reports, studies, statistics, forecasts, decisions, and orders, intra-office and inter-office communications, correspondence, financial data, summaries or records of conversations or interviews, statements, returns, diaries, workpapers, maps, graphs, sketches, summaries or reports of investigations or negotiations, opinions or reports of consultants, brochures, bulletins, pamphlets, articles, advertisements, circulars, press releases, graphic records or representations or publications of any kind (including microfilm, videotape and records, however produced or reproduced), electronic (including e-mail), mechanical and electrical records of any kind and computer produced interpretations thereof (including, without limitation, tapes, tape cassettes, disks and records), other data compilations (including, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, disks and recordings used in automated data processing together with the programming instructions and other material necessary to translate, understand or use the same), all drafts, prints, issues, alterations, modifications, changes, amendments, and mechanical or electric sound recordings and transcripts to the foregoing. A request for discovery concerning documents addressing, relating or referring to, or discussing a specified matter encompasses documents having a factual, contextual, or logical nexus to the matter, as well as documents making explicit or implicit reference thereto in the body of the documents. Originals and duplicates of the same document need not be separately identified or produced; however, drafts of a document or documents differing from one another by initials, interlineations, notations, erasures, file stamps, and the like

- shall be deemed to be distinct documents requiring separate identification or production. Copies of documents shall be legible.
2. “Communication” shall mean any transmission of information by oral, graphic, written, pictorial, or otherwise perceptible means, including, but not limited to, telephone conversations, letters, telegrams, and personal conversations. A request seeking the identity of a communication addressing, relating or referring to, or discussing a specified matter encompasses documents having factual, contextual, or logical nexus to the matter, as well as communications in which explicit or implicit reference is made to the matter in the course of the communication.
 3. The “substance” of a communication or act includes the essence, purport or meaning of the same, as well as the exact words or actions involved.
 4. “And” or “Or” shall be construed conjunctively or disjunctively as necessary to make any request inclusive rather than exclusive.
 5. “You,” and “Your,” or “Yourself” refer to the party requested to produce documents and any present or former director, officer, agent, contractor, consultant, advisor, employee, partner, or joint venture of such party.
 6. Each singular shall be construed to include its plural, and vice versa, so as to make the request inclusive rather than exclusive.
 7. Words expressing the masculine gender shall be deemed to express the feminine and neuter genders; those expressing the past tense shall be deemed to express the present tense; and vice versa.

8. “Person” includes any firm, corporation, joint venture, association, entity, or group of natural individuals, unless the context clearly indicates that only a natural individual is referred to in the discovery request.
9. “Identify,” or “the identity of,” or “identified” means as follows:
 - A. When used in reference to an individual, to state his full name and present or last known position and business affiliation, and his position and business affiliation at the time in question;
 - B. When used in reference to a commercial or governmental entity, to state its full name, type of entity (e.g., corporation, partnership, single proprietorship), and its present or last known address;
 - C. When used in reference to a document, to state the date, author, title, type of document (e.g., letter, memorandum, photograph, tape recording, etc.), general subject matter of the document, and its present or last known location and custodian;
 - D. When used in reference to a communication, to state the type of communication (i.e., letter, personal conversation, etc.), the date thereof, and the parties thereto and the parties thereto and, in the case of a conversation, to state the substance, place, and approximate time thereof, and identity of other persons in the presence of each party thereto;
 - E. When used in reference to an act, to state the substance of the act, the date, time, and place of performance, and the identity of the actor and all other persons present.

- F. When used in reference to a place, to state the name of the location and provide the name of a contact person at the location (including that person's telephone number), state the address, and state a defining physical location (e.g., a room number, file cabinet, and/or file designation).
10. The terms "PUCO" and "Commission" refer to the Public Utilities Commission of Ohio, including its Commissioners, personnel (including Persons working for the PUCO Staff as well as in the Public Utilities Section of the Ohio Attorney General's Office), and offices.
 11. The term "e.g." connotes illustration by example, not limitation.
 12. "OCC" means the Office of the Ohio Consumers' Counsel.
 13. "Verde" or "Company" means Verde Energy USA Ohio, LLC.
 14. "CRES" means Competitive Retail Electric Service.
 15. "CRNGS" means Competitive Retail Natural Gas Service.
 16. "Proceeding" means Case No. 13-2164-GA-CRS.
 17. "Application" means the CRNGS Renewal Certification Application that Verde filed with the PUCO in this proceeding on November 7, 2019.
 18. "Spark" means "Spark Energy, Inc." and "Spark Holdco, LLC" (collectively or independently) as referenced in Exhibit A-15 to the Application.
 19. "COH" means Columbia Gas of Ohio.
 20. "DEO" means Dominion East Ohio Gas.
 21. "Duke" means Duke Energy Ohio.
 22. "Vectren" means Vectren Energy Delivery of Ohio.

INSTRUCTIONS FOR ANSWERING

1. All information is to be divulged which is in your possession or control, or within the possession or control of your attorney, agents, or other representatives of yours or your attorney.
2. Where an interrogatory calls for an answer in more than one part, each part should be separate in the answer so that the answer is clearly understandable.
3. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections are to be signed by the attorney making them.
4. If any answer requires more space than provided, continue the answer on the reverse side of the page or on an added page.
5. Your organization(s) is requested to produce responsive materials and information within its physical control or custody, as well as that physically controlled or possessed by any other person acting or purporting to act on your behalf, whether as an officer, director, employee, agent, independent contractor, attorney, consultant, witness, or otherwise.
6. Where these requests seek quantitative or computational information (e.g., models, analyses, databases, and formulas) stored by your organization(s) or its consultants in computer-readable form, in addition to providing hard copy (if an electronic response is not otherwise provided as requested), you are requested to produce such computer-readable information, in order of preference:
 - A. Microsoft Excel worksheet files on compact disk;

- B. other Microsoft Windows or Excel compatible worksheet or database diskette files;
 - C. ASCII text diskette files; and
 - D. such other magnetic media files as your organization(s) may use.
7. Conversion from the units of measurement used by your organization(s) in the ordinary course of business need not be made in your response; e.g., data requested in kWh may be provided in mWh or gWh as long as the unit measure is made clear.
8. Unless otherwise indicated, the following requests shall require you to furnish information and tangible materials pertaining to, in existence, or in effect for the whole or any part of the period from January 1, 2000 through and including the date of your response.
9. Responses must be complete when made, and must be supplemented with subsequently acquired information at the time such information is available.
10. In the event that a claim of privilege is invoked as the reason for not responding to discovery, the nature of the information with respect to which privilege is claimed shall be set forth in responses together with the type of privilege claimed and a statement of all circumstances upon which the respondent to discovery will rely to support such a claim of privilege (i.e., provide a privilege log). Respondent to the discovery must a) identify (see definition) the individual, entity, act, communication, and/or document that is the subject of the withheld information based upon the privilege claim, b) identify all persons to whom the information has already been revealed, and c) provide the basis upon which the information is being withheld and the reason that the information is not provided in discovery.

INTERROGATORIES

* In accordance with Ohio Administrative Code 4901-1-16(D)(5), OCC requests that all responses be supplemented with subsequently-acquired information at the time such information is available.

INT-1-001. Pursuant to Ohio Administrative Code 4901-1-16(C), please identify each expert witness that Verde expects to testify at any hearing in this proceeding.

RESPONSE:

INT-1-002. For each expert witness identified in your response to INT-1-001, please state the subject matter in this case on which the expert is expected to testify.

RESPONSE:

INT-1-003. Exhibit C-9 to the Application states: ““While we previously communicated that Verde and Spark intended an 18-month transition period during which Verde’s management team would continue to operate Verde in their current positions, subsequent events affecting the Verde management team changed that plan.”” Please describe and fully explain the “subsequent events affecting the Verde management team.”

RESPONSE:

INT-1-004. Please describe and fully explain the remedial measures and business practice modifications that Verde and Spark have implemented to address the alleged violations identified in Exhibits B-4 and B-5 of the Application.

RESPONSE:

INT-1-005. With respect to Verde's statement in Exhibit C-6 of the Application, please explain why neither Verde nor Spark maintain a representative credit rating.

RESPONSE:

INT-1-006. With respect to Verde's statement in Exhibit C-7 of the Application, please explain why neither Verde nor Spark maintain a representative credit report.

RESPONSE:

INT-1-007. Referring to the statement in the Application on page 20 (Exhibit B-2), that the “Applicant currently provides customers with affordable green electricity and natural gas in Ohio”:

- A. What does Verde consider to be affordable rates for natural gas service provided to residential customers?
- B. Does Verde provide both fixed rate contracts and variable rate contracts for customers in the COH, DEO, and Duke service territories?
- C. Does Verde plan to provide both fixed rate contracts and variable rate contracts for customers in the Vectren service territory?
- D. Does Verde consider the rates that DEO and COH are charging for natural gas under the Standard Choice Offer (“SCO”) or the Gas Cost Recovery (“GCR”) rate charged by Duke when establishing affordable rates for potential customers in these service territories?
- E. On November 1, 2019, how many residential natural gas customers were served by Verde in the COH service territory?
- F. On November 1, 2019, how many of the Verde customers in the COH service territory were served on rates that were lower than the \$0.37770 per CCF SCO rate charged by COH?
- G. On November 1, 2019, how many residential natural gas customers were served by Verde in the DEO service territory?

- H. On November 1, 2019, how many of the Verde customers in the DEO service territory were served on rates that were lower than the \$2.6480 per MCF SCO rate charged by DEO?
- I. On November 1, 2019, how many residential natural gas customers were served by Verde in the Duke service territory?
- J. On November 1, 2019, how many of the Verde customers in the Duke service territory were served on rates that were lower than the \$0.3389 per CCF GCR rate charged by Duke?
- K. What does Verde consider to be “green” natural gas service?

RESPONSE:

INT-1-008. Please explain how Verde determines the natural gas rates it charges (or will charge) to residential customers on fixed rate contracts in each of the following service territories:

- A. COH;
- B. DEO;
- C. Duke;
- D. Vectren.

RESPONSE:

INT-1-009. Please explain how Verde determines the natural gas rates it charges (or will charge) to residential customers on variable rate contracts in each of the following service territories:

- A. COH;
- B. DEO;
- C. Duke;
- D. Vectren.

RESPONSE:

INT-1-010. What percentage of current Verde customers on variable rate contracts in each of the following service territories were initially served on fixed rate contracts that automatically renewed to variable rate contracts?

- A. COH;
- B. DEO;
- C. Duke.

RESPONSE:

INT-1-011. Please explain how Verde provides notice to customers on fixed rate contracts that their contracts will automatically renew to variable rate contracts when their fixed rate contracts expire.

RESPONSE:

INT-1-012. How can residential customers on variable rate contracts obtain the variable rate that Verde will be charging for the next month?

RESPONSE:

INT-1-013. Referring to Exhibit B-2 of the Application, page 20, do the consolidated bills of COH, DEO, and Duke include billing for Verde charges such as a monthly service fee? If not, does Verde bill customers separately for charges such as monthly service fees?

RESPONSE:

REQUESTS FOR PRODUCTION OF DOCUMENTS

In accordance with Ohio Administrative Code 4901-1-16(D)(5), OCC is specifically requesting that all responses be supplemented with subsequently acquired information at the time such information is available.

- RPD-1-001. Please provide copies of all formal and informal requests (e.g., interrogatories, data requests) made to the Company by the Commission, the PUCO Staff, and/or the PUCO's Attorneys General in this proceeding, or related to the Application, and the Company's responses to those requests. This request should be interpreted to include requests related to the Application made to the Company prior to the date the Company actually filed the Application with the PUCO.
- RPD-1-002. Please provide copies of all documents and workpapers provided to the Commission, the PUCO Staff, and/or the PUCO's Attorneys General in connection with this proceeding, or related to the Application, including schedules in Excel format. This request should be interpreted to include documents and workpapers related to the Application provided by the Company prior to the date the Company actually filed the Application with the PUCO.
- RPD-1-003. Please provide copies of all discovery received by the Company from other parties in this proceeding, or related to the Application, and the Company's responses to that discovery.

- RPD-1-004. Please provide copies of all communications related to this proceeding or the Application between the Company and the Commission, the PUCO Staff, and/or the PUCO's Attorneys General. This request should be interpreted to include communications related to the Application made prior to the date the Company actually filed the Application with the PUCO.
- RPD-1-005. Please provide copies of Exhibits C-3, C-5 and C-7 to the Application, and any other information in the Application filed with the PUCO under separate cover to protect confidentiality.
- RPD-1-006. Please provide a copy of the standard contract(s) that were used during September 2018 to enroll customers in the COH, DEO, and Duke service territories through the telephonic enrollment process explained in Exhibit B-2, page 20, of the Application.
- RPD-1-007. Please provide a copy of the "welcome packages" that would be sent to customers in the COH, DEO, and Duke service territories in September 2018 after a telephonic enrollment was completed as explained in Exhibit B-2, page 20, of the Application.

RPD-1-008. Please provide a copy of the notice Verde sends to residential customers on fixed rate contracts that their contracts will automatically renew to variable rate contracts when their fixed rate contracts expire.

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Interrogatories and Requests for Production of Documents Propounded Upon Verde Energy USA Ohio, LLC by the Office of the Ohio Consumers' Counsel, First Set, was served upon the persons listed below this 29th day of November, 2019.

/s/ Angela D. O'Brien
Angela D. O'Brien
Assistant Consumers' Counsel

SERVICE LIST

John.jones@ohioattorneygeneral.gov

smhoward@vorys.com
kwhite@sparkenergy.com
mleclerc@sparkenergy.com
akeene@sparkenergy.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/19/2019 4:40:53 PM

in

Case No(s). 13-2164-GA-CRS

Summary: Motion for Extension of Time to Respond to OCC's First Set of Discovery Requests and Memorandum in Support electronically filed by Mr. David F. Proano on behalf of Verde Energy USA Ohio, LLC